

EXHIBIT 57

BEFORE THE AMERICAN ARBITRATION ASSOCIATION
North American Court of Arbitration for Sport Panel

United States Anti-Doping Agency,

Claimant,

v.

Floyd Landis,

Respondent

AAA No. 30 190 00847 06

**THE UNITED STATES ANTI-DOPING AGENCY'S POSITION PAPER RE
PRELIMINARY MATTERS**

The January 10, 2007, Order of the Panel provided that the parties should confer regarding a number of matters discussed during the January 9, 2007, conference call with the Panel. The Order further instructed the Parties to file a position paper detailing which issues remain unresolved and setting forth the Party's position on each open issue. Accordingly, the United States Anti-Doping Agency (USADA) respectfully submits its positions regarding open issues.

**I. POINTS 1 AND 2: PUBLICITY OF THE HEARING AND DOCUMENTS AND
POTENTIAL TELEVISION COVERAGE AND RELATED MEDIA ISSUES**

Points 1 and 2 addressed during the initial conference call with the Panel concerned the request that the hearing in this matter be open and the potential for live, televised coverage of the hearing. The Parties have not reached complete agreement on these issues.

As a threshold matter, it is undisputed that the relevant procedural rules for this adjudication offer Mr. Landis the opportunity to have an open hearing. Rule R-4 of the American Arbitration Association Procedures for the Arbitration of Olympic Sport Doping

Disputes ("Supplementary Procedures") provides: "If the parties agree or the athlete or other person charged with a doping offense request and the arbitrator agrees, the hearing shall be open to the public."¹ Where the Parties have been unable to agree is on the details regarding what "open to the public" should mean in the context of providing a fair hearing. In the absence of an agreement between the Parties, the Supplementary Procedures require the Panel to agree to open the hearing to the public. Similarly, the USADA Protocol provides that the Arbitrators may impose limitations on the concept of an open hearing. Ultimately, it is the Panel's responsibility to protect the fundamental fairness of the adjudication proceeding and the rules therefore authorize the Panel to place limitations on the concept of an open hearing where appropriate.

USADA welcomes the opportunity for the public to obtain increased access to a hearing and thereby confirm that a fundamentally fair hearing process is provided to all American athletes, including Mr. Landis. USADA is also firmly committed to making sure that the integrity of the adjudication process is not compromised. Where USADA has been unable to reach agreement with Mr. Landis' attorneys has been in regard to defining the appropriate conditions that should be placed on the hearing in order to allow it to be open without sacrificing the integrity of the hearing. USADA believes that the desire for an open hearing should be to achieve transparency and remove any doubt about the fairness of the process. Accordingly, USADA submits that the Panel should place appropriate conditions on the hearing in order to avoid any possibility that it becomes a media spectacle, which would complicate the process for everyone involved and potentially undermine the fairness of the hearing.

¹ Similarly, USADA's rules give the athlete the option to either keep the process confidential or choose to open the hearing to the public. The USADA Protocol for Olympic Movement Testing (the "USADA Protocol"), at Section 10(b) provides: "The athlete or other person shall have the sole right to request that the hearing be open to the public subject to such limitations as may be imposed by the arbitrator(s)."

USADA respectfully submits that the need for reasonable limitations on the media coverage are especially appropriate in this case, where Mr. Landis has elected to engage in an exhaustive media campaign in advance of the hearing. Importantly, Mr. Landis has based his publicity efforts around the concept that he will not receive a fair hearing. For example, as part of this public relations strategy Mr. Landis has publicly declared that the "system is rigged" against him that he does not expect to receive a fair hearing, and, that accordingly, he wants the world to view the hearing so that he can "demonstrate to the world" that he is innocent.² Accordingly, Mr. Landis has not only staked his public reputation on the fact that he will not receive a fair hearing, but he has expressed a desire to use coverage of the hearing to argue his case to the public. USADA's concern is that by creating a media circus around this proceeding, and by attempting to use the hearing itself as part of a publicity campaign to salvage Mr. Landis' public image, Mr. Landis and his media strategists could create a self-fulfilling prophecy. Stated simply, the only way that Mr. Landis will not receive a fair hearing is if the media attention is allowed to intrude on the proceedings in a way that compromises the integrity of the hearing. For these reasons, USADA would respectfully request that the Panel impose reasonable limitations to prevent such a result.

While it is impossible for USADA to anticipate all of the issues that the Panel may need to address in order to protect the hearing process, a number of initial concerns are detailed below.

² See Michael A. Hiltzik, Landis Putting Lab to Test; The Tour de France Winner's Team of Experts Uses the Internet to Spark Debate About Doping Charges. 'I have nothing to hide,' he says, Los Angeles Times, Dec. 23, 2006 (attached as Exhibit A) at 1; Cathy Mehl, Floyd Landis Talks With the Daily Peleton, www.thedailypeleton.com, Jan. 1, 2007 (attached as Exhibit B) at 4.

A. PRESS COVERAGE AND SPECTATORS

USADA does not object to opening the hearing to a reasonable number of spectators, including members of the media, as long as these outside observers are not allowed to interfere in the orderly completion of the hearing. USADA requests that reasonable limitations be put in place in order to avoid creating a situation where the Panel is forced to manage the observers on an ongoing basis, thereby distracting the Panel from being able to focus on the presentation of the evidence and the merits of the case.

B. PUBLIC COMMENT AND RELEASE OF DOCUMENTS

Two related issues that USADA submits need to be addressed by the Panel are 1) the ability of each party to comment publicly on the proceedings in advance of and during the hearing; and 2) the public release of documents.

With respect to public comments by either Party, it is important that the Panel understand that Mr. Landis and his legal and media consultants have been saturating the press with self-serving claims that Mr. Landis wants an "open" and "transparent" process. However, while making these claims publicly, Mr. Landis' team has been privately impeding the transparency of the process by taking full advantage of the USADA Protocol's provision that USADA will not comment on the merits of pending cases.³ In fact, Mr. Jacobs has attempted to use this confidentiality requirement as a strategic bargaining chip against USADA by offering to

³ **"Confidentiality:** USADA shall not publicly disclose or comment on any athlete's positive test result or any information related to any alleged doping violation (including violations not involving adverse analytical finding) until after the athlete or person 1) has been found to have committed an anti-doping rule violation in a hearing conducted under either article 10(b) above, or 2) has failed to request a hearing within the time set forth in 10(a), or 3) has agreed in writing to the sanction sought by USADA." USADA Protocol, Section 12.

release USADA from its obligation of silence only if USADA agrees to all discovery demands by Mr. Landis.⁴

Importantly, despite the many unfounded allegations and misstatements of fact made by Mr. Landis and his strategists, USADA has steadfastly refused to comment publicly on this case. USADA has no interest in trying this case in the media. USADA believes the Parties should be focused on presenting relevant evidence to the Panel and submits that it would be a waste of resources for everyone involved, if the attention of the Parties was diverted toward trying the case in press conferences at the conclusion of each day of the hearing. Given that Mr. Landis has expressed an interest in using this proceeding to try to prove his case to the world and has retained a sophisticated media team to achieve that effort, we believe the potential for this case to be inappropriately tried to the media has moved beyond a hypothetical possibility and instead, has become an issue requiring the attention of the Panel.

Accordingly, USADA asks this Panel to balance the request for an open hearing with reasonable rules regarding public comment by the Parties. USADA submits that an appropriate balance would be achieved if the Panel were to enter an order that directs the Parties and their representatives not to speak to the media about the case from the opening of the hearing through the issuance of the Panel's Decision. As an alternative, which is significantly less favored by USADA, the Panel could enter an order providing that both Parties may speak to the press under ground rules specified by the Panel. At a minimum, USADA should not continue to be placed in the untenable position where Mr. Landis and his media consultants travel the country spinning their story of the case while continuing to strategically prevent USADA from responding.

⁴ Letter from H. Jacobs dated Oct. 23, 2006 (attached as Exhibit C) at 5.

With respect to documents, Mr. Landis and his media team have also taken full advantage of the confidentiality rules by releasing to the public only those documents that they believe are beneficial to his public image. In order to protect the integrity of the adjudication process, while guaranteeing true transparency, USADA requests that the Panel issue an order instructing that documents produced by either Party to the other side in the discovery process, pleadings filed with the Panel and correspondence to and from the AAA shall not be publicly disclosed by the Parties or their representatives until after the Panel renders its decision in the case.⁵ As an alternative, which is again less favored by USADA, if one Party is free to publicly distribute or comment on documents which are exchanged in discovery or pleadings or correspondence with the AAA, then the Panel should enter an order providing that both Parties are free to do so with whatever restrictions the Panel deems appropriate.

C. LIVE TELEVISION COVERAGE

Mr. Landis has requested that the hearing be carried on live television should there be sufficient interest. As an initial matter, while the rules clearly provide Mr. Landis with the opportunity for the hearing to be "open to the public," Mr. Landis cannot cite any rule entitling him to live television coverage of the hearing. Moreover, USADA does not agree to live television coverage for the reasons detailed below. Accordingly, because Mr. Landis does not have a right to television coverage USADA submits that in considering this request it is appropriate for the Panel to require Mr. Landis to meet the burden of establishing why his legitimate interest in preserving the transparency of the process requires that the Panel, the

⁵ Mr. Landis has already received as a matter of course the laboratory documentation package provided for in the WADA International Standard for Laboratories, which he has been free to comment on extensively.

Parties and the process be subjected to the inevitable disruptions that would be associated with live television coverage.

USADA respectfully submits that the legitimate purpose of preserving testimony is satisfied by the official stenographic record which the Parties have already agreed will be provided. If for some particular reason Mr. Landis feels that a video record is necessary to appropriately preserve evidence, then a video recording could be made and publicly released after the Panel's Decision is entered in the case.⁶ Any legitimate interest in public transparency can be accomplished by allowing print media to attend the hearing. Live television will undoubtedly create numerous complications that will necessarily divert the attention of the Panel and the Parties from the adjudication process itself. USADA can think of no reason that live television would be sought by Mr. Landis' team other than to further his public relations goal of trying this case, not to the Panel, but to the media and the public.⁷

As set forth above, while the USADA Protocol provides for an "open hearing," it also expressly authorizes the Panel to place appropriate limitations on the openness of the process. Here, USADA respectfully submits that excluding live television coverage is an appropriate restriction in order to prevent the hearing process from being hijacked as part of a greater media strategy.

⁶ Indeed, this possibility was first raised in correspondence by Mr. Jacobs. See Exhibit C at 4. When the possibility of hiring a videographer was raised on the January 9, 2007, conference call, Mr. Jacobs only objection seemed to be the matter of expense. To this end, USADA is willing to pay half the costs of retaining a professional videographer to appropriately record the proceedings.

⁷ With respect to any proposed argument by Mr. Landis that the Panel could control potential grandstanding during the process, USADA submits that the Panel and the Parties should not be subjected to that potential distraction, where there is no legitimate justification for requiring live television coverage.

II. POINT 4: LAW APPLICABLE TO THIS PROCEEDING

The Panel asked the Parties to confer regarding the substantive and procedural law applicable to this hearing. While the Parties have been unable to reach agreement on this issue, USADA respectfully submits that there is no legitimate dispute as to the procedural and substantive laws that should be applied to this proceeding.

With respect to procedural matters, this adjudication process is governed by the AAA Supplementary Procedures, and to the extent applicable, the USADA Protocol and the Ted Stevens Olympic and Amateur Sports Act (36 U.S.C. § 220501 et seq.). As the Panel is aware, the Supplementary Procedures provide the Panel with the necessary procedural framework to preside over this hearing and any related disputes that may arise, including discovery issues.

It is equally undisputed that the substantive law applicable to this proceeding are the Rules of Mr. Landis' international federation. Accordingly, in this case the substantive rules are the UCI Cycling Regulations. Indeed, the sample at issue in this case was collected by UCI during a UCI sanctioned competition. The only reason this case is being handled by USADA is because the UCI Cycling Regulations provide that the adjudication will be handled by the national federation of the athlete involved. Accordingly, there can be no legitimate dispute that the UCI Cycling Regulations are the controlling law of this case. Further, because those regulations adopt the World Anti-Doping Code, (the "Code"), the applicable provisions of the Code are also relevant to this proceeding. Finally, the UCI Cycling Regulations provide that: "The CAS shall decide the dispute according to these Anti-Doping Rules and the rules of law chosen by the parties, or in the absence of such a choice, according to Swiss law." UCI Cycling Regulations, Section 290 (attached as Exhibit D).

Here, the Parties have not agreed to any rules other than those mentioned above. Accordingly, if a situation were to arise where the AAA Supplementary Procedures, the USADA Protocol, the Amateur Sports Act, the UCI Cycling Regulations and the WADA Code were all silent, and the matter was not within the discretionary ability of the Panel to address, then it is clear that Swiss law should be applied in accordance with the UCI Cycling Regulations. Significantly, given the breadth of the various rules set forth above, it is very difficult to imagine a situation in this proceeding where the Panel would be required to consider and apply provisions of Swiss law.⁸

III. REMAINING MATTERS

A. POINT 5: MODE OF DELIVERY OF WITNESS TESTIMONY

USADA believes that there is no dispute pending with respect to the mode of delivery of witness testimony and that the Panel's Order of January 10, 2007 accurately captured the agreement of the Parties.

B. POINT 7: STENOGRAPHIC RECORD

USADA is unaware of any dispute between the Parties as to this issue. As reflected in the Panels Order of January 10, 2007, USADA agrees to pay half of the costs of a stenographic record.

⁸ In conversations regarding this subject, Mr. Landis' attorneys have expressed a desire to have the procedural laws of the State of California apply. USADA respectfully submits that there is no valid basis to support this attempt to import the procedural rules of California's civil process into this arbitration. The fact that USADA agreed to Mr. Landis' request to hold this arbitration in California for the convenience of Mr. Landis cannot, as a matter of law, serve as the basis for applying, for example, the civil discovery provisions of California to this matter. Such a result is not supported by any relevant law and would undercut the very purpose behind allowing Parties to bypass the civil court system in favor of arbitration. It would also result in forum shopping of the worst kind.

C. DISCOVERY

The Parties have been unable to reach agreement regarding the scope of discovery in this case. At this point USADA does not expect that the Parties will be able to resolve these pending issues. USADA had been operating under the assumption that certain offers made by USADA were being considered by Mr. Landis' attorneys and that progress was being made in resolving the discovery disputes. However, upon receipt of Mr. Landis' Second Request for Production of Documents, dated January 22, 2007 (attached as Exhibit E) it became apparent to USADA that the Parties have drastically different expectations as to what kind of discovery is called for under the rules and is practically possible under the timing concerns applicable to this case. USADA respectfully submits that the discovery requests tendered by Mr. Suh – which he indicates are only the “first step” in the discovery process of this case, may be appropriate for a multi-million dollar, multi-year, complex civil litigation, but are entirely inappropriate and unreasonable in the context of this proceeding. Accordingly, these issues will need to be briefed in order to allow Mr. Suh to attempt to justify the breadth of his requests and the necessary timing implications inherent to the civil litigation style discovery that he is attempting to improperly import into this arbitration process.

In order to ensure an efficient and constructive briefing schedule, USADA would request the input of the Panel in shaping the format and timing of the briefs that will address this issue.

D. TESTING OF ADDITIONAL SAMPLES

Another issue that has been under discussion between the Parties is USADA's intention to conduct additional analysis of a number of Mr. Landis' samples. The samples that will be tested include Mr. Landis' samples given before and after the sample which is at issue in this proceeding. USADA seeks this evidence in order to provide the Panel with additional

information evidence that will shed light on sample and issue and to respond to defense claims raised by Mr. Landis' experts and his attorneys.

This testing was originally scheduled to begin on January 8, 2007 at the Laboratoire National de Dépistage du Dopage ("LNDD"). In response to a threat of litigation in Federal Court to stop this testing, and because Mr. Suh was new to the case, USADA agreed to delay that testing in order to Mr. Suh additional time to review the issues and raise any potential objections. USADA believes that any objections raised by Mr. Landis are without merit, but agreed to a reasonable delay because it is clear to USADA that to the extent Mr. Landis wishes to raise such objections it is appropriate that this Panel and not an outside court consider the issue.

Significantly, Respondent's attorneys have already conceded the relevancy of the test results on these samples. Indeed, Mr. Jacobs argues in his First Request or (sic) Production of Documents submitted on October 16, 2006: "It is our contention that other test results will corroborate other evidence that the test results related to sample 995474 cannot be accurate." See Exhibit F at ¶ 4. Mr. Jacobs' also requested "[a]ll documents that evidence, reference or relate to each urine and/or blood sample provided by Floyd Landis during 2006 Tour de France including identification of all test results performed and copies of all test results." Id. at ¶ 62. Without going into unnecessary detail at this stage, USADA simply seeks to have the LNDD conduct additional analysis of these very same samples in order to determine if exogenous steroids were present in those samples as well.

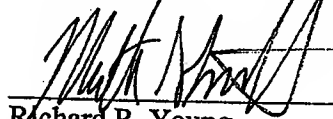
As a practical matter, the testing of these samples will take approximately three weeks. In order to avoid further, unnecessary delay, USADA respectfully requests that the Panel to enter an order allowing the testing to proceed immediately and preserving Mr. Landis's right

to raise any objection to the entry of these test results at the hearing. USADA believes this is a reasonable compromise that allows Mr. Landis' objections to be fully heard by the Panel without unnecessarily delaying the testing of the samples.

CONCLUSION

This Position Paper represents USADA's best effort to accurately identify the open issues remaining between the Parties at this time and to state USADA's positions with respect to each open issue. Should Respondent raise matters that are not anticipated by USADA, or should additional issues arise, USADA respectfully reserves the right to supplement this filing as directed by the Panel.

Respectfully submitted,



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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 24th day of January, 2007,
a true and correct copy of the foregoing **THE UNITED STATES ANTI-DOPING AGENCY'S**
POSITION PAPER RE PRELIMINARY MATTERS was served by Electronic Mail and
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Exhibit A

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Los Angeles Times

December 23, 2006 Saturday
Home Edition

SECTION: SPORTS; Sports Desk; Part D; Pg. 1

LENGTH: 1797 words

HEADLINE: Landis putting lab to the test;
The Tour de France winner's team of experts uses the Internet to spark debate about doping charges. 'I have nothing to hide,' he says.

BYLINE: Michael A. Hiltzik

BODY:

Experts for Tour de France champion Floyd Landis, tapping a worldwide pool of scientific knowledge via the Internet, are marshaling a detailed rebuttal to charges that the cyclist took testosterone to fuel his comeback victory in last summer's race.

Landis' team has posted online the laboratory reports on which the charge is based. This step, unprecedented in an anti-doping case, has allowed independent scientists to study the evidence against Landis -- 370 pages of technical documentation.

The result is a vigorous debate on Internet message forums and bulletin boards about the science underlying the charge and whether Landis, successor to Lance Armstrong as America's leading competitive cyclist, has been unjustly accused.

Landis' representatives say they have gleaned a wealth of clues about how to attack the evidence when the case goes before an arbitration panel, probably this spring.

Landis' team argues, among other things, that the Paris laboratory that tested his urine sample miscalculated the concentration of testosterone and related substances and overlooked signs that the sample had been contaminated.

The U.S. Anti-Doping Agency (USADA), which is prosecuting Landis, has declined to discuss the case because it is still under adjudication. If the charge is upheld, Landis will be stripped of his Tour de France title and could be suspended for two years.

Landis' airing of the evidence against him and his demand that his arbitration hearing be open to the public is a challenge to USADA and the World Anti-Doping Agency (WADA), which are known for their resistance to outside scrutiny. A link to the documents is available at www.floydlandis.com.

"I have nothing to hide, and I'd be happy if people could get to see how the system works," Landis, 31, of Murrieta, said in a recent interview. "Since the system is rigged against me and the odds of winning are small, whether you're guilty or innocent, at least I could demonstrate to the world that I was innocent."

Landis' defense is two-pronged. One element is his contention that the National Laboratory for Doping Detection in Paris made technical and analytical errors.

In testosterone cases, the first level of testing is to measure the ratio of testosterone to a related hormone, epitestosterone. A ratio higher than 4 to 1 triggers a further test based on the measurement of trace isotopes of carbon in the urine sample.

The documents Landis has posted show that the lab measured the so-called T/E ratio in his urine sample at least three times and arrived at three different readings. One reading found a ratio of 4.9 to 1. A second reading was 5.1 to 1, and the third was 11.4 to 1.

Given the discrepancy, the lab should have halted the test and checked its equipment and procedures, Landis said.

The lab's data also show that the level of epitestosterone declined rapidly between the first and third tests -- a sign that contaminants might have been reacting with the epitestosterone to produce inaccurate results.

The lab director, Jacques de Ceaurriz, did not respond to a request for comment.

The second prong of Landis' defense is that WADA's standards for positive tests are so broad that the same sample declared positive by one of its accredited anti-doping labs might be declared negative by another.

The Paris documents indicate that the lab's standard for concluding, after carbon-isotope testing, that there is synthetic testosterone in a sample is looser than that of UCLA's Olympic laboratory, the leading anti-doping lab in the world.

The documents also show that the scientific expert Landis hired to witness the test on his backup urine sample cited shortcomings in the Paris lab's analysis at the time.

Douwé de Boer, former science director of WADA's laboratory in Lisbon, Portugal, wrote that the Paris lab had failed to verify "according to the minimal WADA requirements" that its measurements of testosterone and epitestosterone were not skewed by the presence of other compounds in the urine sample.

"Therefore, any official conclusion regarding to the T/E ratio.... is and will be premature," he wrote in notes he provided to Landis and the lab.

Testosterone, which is naturally present in the body, can be taken in synthetic form via injections or skin patches to promote muscle development and strength.

Banned in sport since the late 1980s, it is most often used as a doping agent as part of a long-term training regimen. Sports experts are divided over whether a one-time dose, which Landis is accused of taking, could have any performance-enhancing effect.

Landis' defense team calls its decision to publicize the evidence against him the "wiki defense," referring to an online application allowing members of the public to collaborate on encyclopedias, dictionaries, computer programs and other services.

The idea is to counteract the advantages that anti-doping agencies have in bringing cases against athletes. As The Times reported this month, WADA uses a zero-tolerance standard, punishing athletes for unintentional or inconsequential violations of doping rules.

Runners, swimmers, skiers and other athletes have been suspended and even stripped of Olympic medals for concentrations of banned substances too small to affect performance, The Times found. Athletes have been sanctioned even when there was evidence that they consumed prohibited substances unwittingly through adulterated nutritional

supplements.

When athletes appeal doping charges, they must follow rules that give WADA and USADA the benefit of the doubt in arbitration and shift the burden of proof to the accused. The rules also limit the documentation that the agencies must provide to defendants.

The documents given to Landis, for instance, include only tests results for the urine samples taken July 20, immediately after his come-from-behind performance in a particularly grueling stage of the Tour de France.

The rules don't require the lab to provide documents demonstrating its overall accuracy -- reports on other athletes' samples or on WADA-sponsored proficiency trials, for example.

In part because of these provisions, no American athlete has ever prevailed over USADA since the system was put into effect in 2000.

With the wiki defense, Landis's team can subject the prosecution's scientific evidence to global scrutiny.

"There has been a tremendous amount of knowledge-sharing among the folks online, even among those who disagree about what the tests say," says Kevin Dykstra, 47, an amateur cyclist and professional chemist who has posted extensive analyses of the lab reports under the online alias "Duckstrap."

Dykstra's posts criticize the Paris lab for failing to demonstrate that it measured Landis' testosterone and epitestosterone accurately and that it could reach consistent results with multiple tests.

"To make the kind of accusations they made as publicly as they did, this has to be a slam-dunk," he says. "And this was not a slam-dunk. The data that's here leaves ample room for doubt."

Arnie Baker, a San Diego physician and cycling coach serving as Landis' medical director, said experts in mass spectrometry, a technique used in the second stage of testosterone testing, have contacted him to point out apparent deficiencies in the work of the Paris laboratory.

Callers have studied "everything from the pressures they used to the sampling times and the number of samples," Baker said. The volunteer experts, he said, have "helped me get to conclusions faster than I might have on my own."

Landis's case burst into the open July 27, when his cycling team, Swiss-based Phonak, announced that an initial screening test had tested positive for testosterone doping after his triumphant effort on Stage 17 one week earlier.

A later carbon-isotope test was said to have confirmed the screening, and tests on Landis' backup sample, undertaken at his request, were reported to have confirmed both findings.

Landis' appearance on "The Tonight Show" was canceled, as was a parade in Murrieta.

The cyclist initially offered several possible explanations for the test result. Among them: that his testosterone-epitestosterone ratio might be naturally high, and that the test results might have been skewed by his WADA-approved medication for a degenerative hip condition or by the alcohol he drank the night before the urine sample was taken.

Landis said he has spent \$150,000 on his defense. "If it goes on like this for a year, as it most likely will, I won't have much left, if anything," he said. "If I really wanted to fight this in the best way possible, what I really need is \$3 million."

Last week, he announced an effort to raise a \$2-million defense fund.

The Paris lab is one of the busiest and most respected of the 34 anti-doping facilities accredited by WADA. But it is also one of the most controversial.

In 2005, two top Olympic movement officials demanded that WADA suspend the lab for allegedly violating research confidentiality rules when it claimed that its tests on 6-year-old urine samples showed that Armstrong, the seven-time Tour de France champion, was guilty of doping at the 1999 race.

WADA rebuffed the demand, even after an independent investigation concluded that the lab's tests of the 1999 samples were invalid and that its actions violated WADA rules and French law.

On Wednesday, an international arbitration panel cited another rules violation by the Paris lab in throwing out a testosterone case against Spanish cyclist Inigo Landaluze.

The lab allowed a technician who had handled the original analysis of the racer's sample to participate in the test of his backup sample, which is forbidden by WADA regulations. Landaluze had faced a two-year suspension for testing positive at a 2005 race.

The tests for testosterone doping are often assumed by the public to be definitive. In fact, they are subject to uncertainties.

The T/E standard is based on the assumption that the normal ratio between the two hormones is 1 to 1. But that premise has not been consistently verified by scientific studies.

When the T/E ratio test made its first appearance in 1984, it was used to discipline a Japanese Olympian whose sample was recorded at 10 to 1. Later medical tests showed that the elevated ratio was physiologically normal for him.

Evidence also exists that mishandling urine samples can generate false positives. In 1994, British runner Diane Modahl received a four-year suspension for testing positive with a T/E ratio of 42 to 1.

Two years later, after a legal battle that cost her more than \$500,000, Modahl proved that the lab had left her sample in a heated room for two days, promoting a chemical reaction that drove up its testosterone reading. She was reinstated, but failed in an attempt to win compensation from British sports authorities in court.

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GRAPHIC: PHOTO: COSTLY DISPUTE: Tour de France winner Floyd Landis, shown at a news conference in July, said he has spent \$150,000 fighting doping charges this year. **PHOTOGRAPHER:** Jasper Juinen Associated Press
PHOTO: Landis

LOAD-DATE: December 23, 2006

Exhibit B

Pro Cycling News

dailypeloton.com

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Get the answer

Floyd Landis Talks with the Daily Peloton

By Cathy Mehl

Date: 1/1/2007

Floyd Landis Talks with the Daily Peloton

A new year has dawned but the old problem of proving his innocence from a doping charge surrounding his win at the 2006 Tour de France still hangs over the head of Floyd Landis. We've been fortunate to have Floyd visit the DP Forums frequently in the past, and this interview was a chance to ask him why he showed up in the first place and how he sees his case shaping up. It was indeed my extreme pleasure to interview the Tour Champion, and I know I am joined by many DP regulars in wishing him well as he fights to clear his name and secure his place in the cycling history books.

Cathy Mehl: Let's talk first about your presence in the forum. I am assuming that you came to the Daily Peloton Forums for a purpose when you first joined several months ago. Can you tell me what you saw in the reader postings that made you think there was quality thinking going on?

Floyd Landis: I'd read the forums and found myself getting frustrated by the discussions at times. There were a lot of smart and interested people arguing without all the facts, so I figured that I'd say a few things and see if I could give the people some information that you wouldn't know unless you went through what I'm going through.

Cathy: You created quite a firestorm when you first began appearing. I know you were healing from surgery and had a lot of time on your hands. You seemed to be there a lot! What did you hope to accomplish by being in the forum? Do you feel these goals were met? Will any of the science presented at DPF be used in your case?

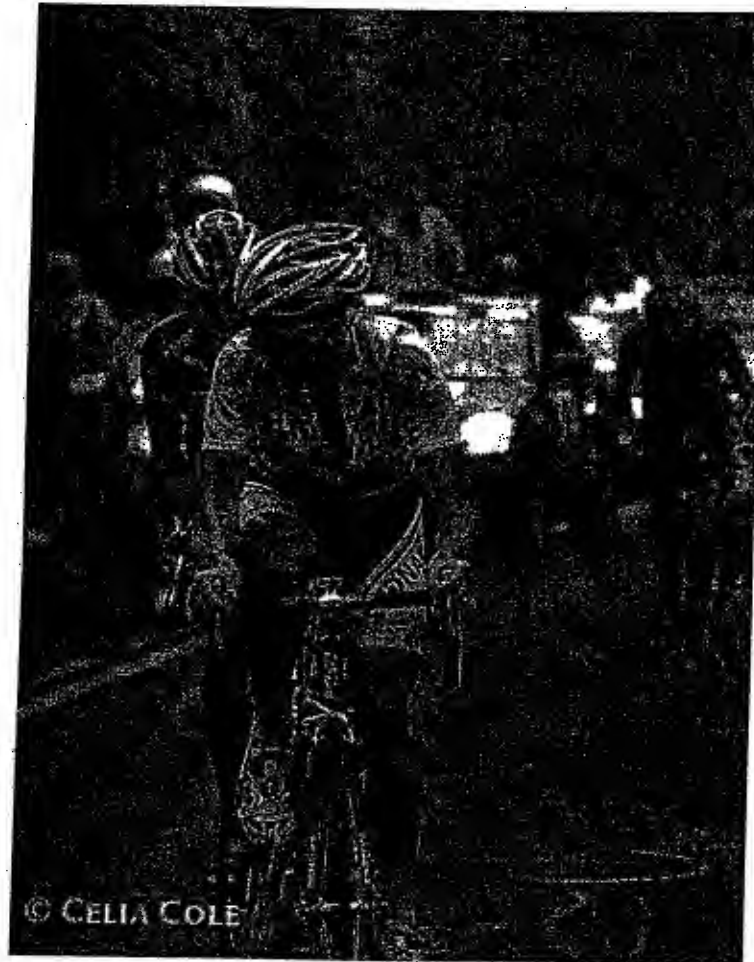
Floyd: Well, after the hip surgery I got a laptop and spent a lot of time on the couch. Amber will only put up with me for so long, so I figured that I'd get what was in my head when reading the forum out into the debate. I wanted people to hear my side of the story and not judge me based on rumors or on what they read in the press. There's a lot that people don't know about how the system works and about how unfair it can be to athletes. I think I was able to get some of that across in the forums. When we made the documents public, we wanted people to



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educate themselves in the test and see what they could add to the case, good or bad. I don't know if any of the science used will be used in the case, but I do know that guys like Duckstrap and Thomas Fine made some really good arguments that support what (Dr.) Arnie (Baker) has been saying in public. Chris T. always kept things interesting, too. It was good to see smart people thinking about the documents we made public. That's one of the reasons why we did it in the first place and called it the Wiki Defense.



All of this took place during a period where you were on the trainer but not back on the bike. Now you are out on the road again and we don't hear from you so much. Do you feel your needs from the forum have been met or did something happen that made you not want to post much anymore? By the way I do have to say your comments about preferring to ask Satan for advise before seeking advise from Greg Lemond were some of the funniest things I've ever read!

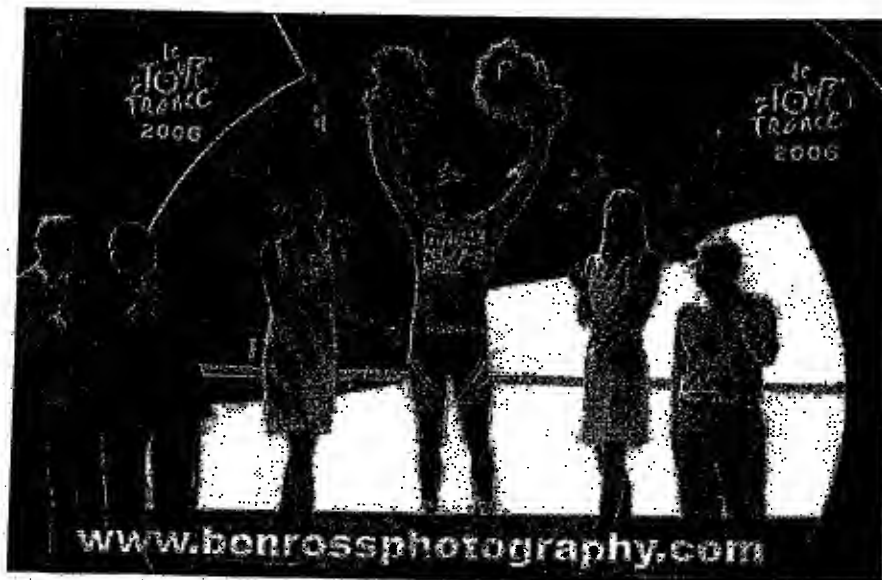
Thanks, I guess! Greg was making damaging comments in the press without looking at the facts of my case, so far as I know, and that didn't sit well with me.

Yeah, I'm out riding a couple of hours a day and am busy with all of the

case stuff otherwise, so I don't have as much time to sit on the laptop and chat in the forum. I also feel that my presence in the forum started to become a bad thing for the debate. Maybe it's an impossible thing to ask, but I just wanted to be a part of the debate and make people think before they wrote something down. I didn't want the whole thing to become about me being there rather than about the case. When things started getting a little ugly in the forum, I wanted to remove myself so that people would stop attacking one another and get back to discussing the case.

If I personally were reading criticisms of myself or people bagging on my character I would probably lose it, but you've had to deal with that a lot since July. How do you deal with the ones that state you are a cheater? What resources do you draw upon to keep yourself on an even keel instead of going off on a rant defending yourself? Do you ever feel like shouting from the rooftops, "Look at me! I'm not a cheater, and have never been one!"

Sometimes I do go off on rants, isn't that what the Lemond vs. Satan comment was! Look, I know I'm innocent and I won the Tour de France clean. I know it, Amber and Ryan know it, my friends know it and the people who are defending me know it. People think and say a lot of things and don't think about what they're saying or why they're saying it. And with how everything was reported in the press in July and August, I don't blame people for thinking that I'm guilty. It doesn't bother me as much anymore. What does bother me is how I'm being treated by USADA, WADA and the UCI. There is nothing fair about how they are treating me. They have called me guilty before I really even knew what it was I had been accused of! Everyone else just bases their opinions off of what guys like Pound and McQuaid say in the press. That's just bullshit and the whole system needs to change. If there's anything that makes me want to climb up to the roof and shout, it's how the system has dealt with this.



I'm sure this is a position you never felt you would be in and

have been totally unprepared to deal with doping allegations. Yet you seem to have educated yourself thoroughly now and are quite handy with the science of your case. If you could remove the personal side of the case, have you surprised yourself at what you've been able to grasp and figure out and how deep into the science you've gone? You've said to me in the past, "I'm not that smart" but I think we are seeing that indeed you are!

Apparently there are a lot of people out there who don't think I'm smart because they're basically accusing me of being stupid. I'm a bike racer and that's all I ever wanted to do. I've been forced into this life that I never asked for and now have to spend a lot of time with lawyers, scientists and PR people whose job it is to know the ins and outs of the case. I also have to speak publicly about these unsubstantiated charges. If I'm going to do that, and if I'm going to know how to fight these allegations, I need to educate myself in the science. I know more about testosterone than I ever wanted to, but I still don't know half as much as the experts working on my case.

The recent *LA Times* article on the doping agencies and their one-track method of protecting their image seems very disheartening to your case, or anyone else's, since the truth is not their main objective. Can you comment on the article? Did you know it was being written? What was your response to the article? Also a recent piece on Dick Pound had some ridiculous quotes, stating you were known as "Roid Floyd" in the peloton. How do you deal?

The system is unfair. Pound is a loose cannon and likes seeing his name in the press. How he became judge, jury and executioner I'm not sure, but he is the perfect example of how the system makes it almost impossible for an athlete to get a fair hearing. In America, rapists and murderers have more rights than athletes accused of doping. If Pereiro and Sastre had mysteriously disappeared after Stage 17 and I was accused of knocking them off in their sleep, I'd have more rights in an American court than I do now in this arbitration process. As it stands, I don't see myself getting a fair hearing. "Roid Floyd." Glad that Pound has taken up poetry as a hobby.



What elements of your case have upset you the most? Whether this be in the science or the public perception.

How I've been treated, or mistreated, by the system is most upsetting to me. It's been hard to be tried in the court of public opinion without even having the information to defend myself. That and the fact that they're building their case against me on a foundation of flawed science and misconduct at the LNDD. How can you ruin someone's life on a test that has as many mistakes as this one! It's unbelievable to me and that makes me angry.

Many times when I have seen you on mainstream TV for interviews, the agenda of the journalist comes shining through much more than what you are saying, especially with TV pieces where they cut and edit much of what you say. Has all of this been eye-opening to you about the media? Do you feel your message is getting out?

I feel that the message is getting out more now than it was and we're working on keeping it out there, but I've learned a lot about TV. The "Real Sports" (show) was the perfect example. They could have done so much more with that piece and it was just bad TV. And I was raised a Mennonite, so I can only imagine what people who were raised watching TV thought!



You have talked about USADA delaying so long or fighting this so long with you that you will eventually be out of money to continue the fight. The longer they can keep you from riding the reality of that statement becomes more and more clear. First, have any dates been set in Pepperdine yet? Obviously you aren't earning a salary from a team right now, but is there any interest in you from some of your former sponsors? Or have they had to back off from you? What other avenues of earning power are you able to pursue right now? I know your camp is coming up soon (<http://www.floydlandis.com/camp/>).

We don't have a date yet and we might not have one for a while. Some of the sponsors like CycleOps and Speedplay have stuck by my side and that's been good for morale, at the very least.

What about a book deal on your life? Do you have a writer yet?

We have a new writer for the book. It's Loren Mooney and I think that she'll do a great job with it.

Can you comment on the Floyd Fairness Fund? When will this be up and running? Was it hard for you to ask for money? I presume this is something that goes against your natural character or upbringing.

The Floyd Fairness Fund is being set up by Michael (Henson) and Brian Rafferty and it's supposed to be up and running (around) January 3rd. I think they've been working on the website and other background stuff for a few weeks. You'll have to ask them about the details, but there should be an official announcement soon. The asking for money doesn't make me feel that comfortable and it does go against my character, but

I need help to fight this and to get a fair hearing. I'm innocent and for the world to know that, this needs to be done right. It's not just about me, either, it's about fairness for other athletes who find themselves in similar positions to mine and about changing the system. The FFF is bigger than me and I hope that it will help others and change the way things are run.

How about your relationship with your family in Pennsylvania—has that changed at all, for better or worse?

My family is my family and that has never changed. It will never change. I love them and they love me.



I ask this next question because I personally was raised in a very devout "fire and brimstone" Southern Baptist family and while I don't subscribe to those teachings now, the guilt part of those teachings pops up in my head sometimes. I would suspect that there are those in the Mennonite faith near where you grew up that might say your troubles are caused from you leaving the faith. Have you entertained any of these thoughts yourself? Why or why not?

No. I really haven't thought about that. Growing up a Mennonite still shapes who I am today. I was raised, as a Mennonite, to value and respect and I grew up with the belief that enough hard work and determination could accomplish anything. Over and above these values

I was taught and still live my life respecting other peoples dignity and rights, and giving people the same respect which I expect for myself. I don't think that what I'm going through has anything to do with my leaving the community. I still respect how they live their lives and I know that the community is proud of what I've done and are supporting me now.

Walk us through your typical day now and share with us how you stay motivated to fight on. Do you realistically think you'll be competing in 2007? If not, how do you see your year playing out? Does sitting here on the brink of a new year give you any feeling of renewed strength or resolve to fight?

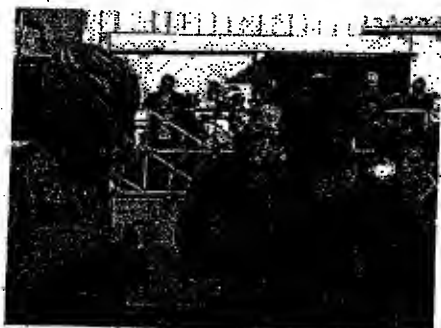
I spend a good part of my day riding my bike and the rest of my time is mostly spent in meetings or on conference calls with the defense team. I'd rather ride all day, but that's not the reality right now. Regardless, it's good to be back on the bike for at least a few hours a day. It makes the other stuff more manageable. Considering how long this is going on, I don't know if I'll be able to race in 2007. I'd love nothing more than to be in London in July rolling down the start ramp with number 1 on my back. I just don't know how long this is going to take. Regardless, it's my goal and dream to get back and win the Tour de France again. Don't mistake that! I've always had strength and resolve to fight, so that isn't changing with the New Year. I'm not big on ceremony. I'd just like to get on with it.

Share with us what it has meant to have the support of friends and family through this.

It means everything to me. You learn a lot about people when you go through something like this and I'm lucky to have such a supportive group of family and friends.

Can you make some comments on the David Witt Memorial Ride which you participated in a few weeks ago, plus reaction from fans that appeared at the event? I thought this was a very nice gathering. It was a very casual, humorous day.

It was great. I was happy to see the San Diego cycling community come out and celebrate David's life while also helping the families of the firefighters. He would have been happy. I don't know how soon I'll be getting on a track again, though! (Dave) Zabriskie almost put me into the wall. He needed to with the "Uni-Biker" beard creating all of that drag! And speaking of drag, what was with Roll's pink helmet?



I've interviewed you a few times now, and have always been delighted with your straight forward answers and your sense of humor. I hope you are able to hold on to that beyond all of this. For what it's worth, you still have many fans still on your side, and many of us will always hold your epic Stage 17 ride as a historic cycling moment.

I watched the ride into Paris on my Tivo a couple of weeks ago as I prepared for this interview just to recapture the joy of that day—and it was a joyous victory! I know everything that has come after has changed all of that for you, but I hope there is some place in your head or heart that you are able to hold on to some of it, because it really was special and spectacular. It meant a lot to many of us cycling fans, and you are a most deserving Tour de France winner. Thank you for that.

Thanks, Cathy. I appreciate that.

Most images provided by Celia Cole and Ben Ross.

Related Articles

Floyd Landis Draws Crowd at David Witt Memorial Event

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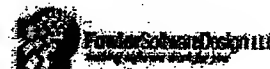


Exhibit C

LAW OFFICES OF HOWARD L. JACOBS

October 23, 2006

VIA FACSIMILE 719-785-2001 AND REGULAR MAIL

Travis Tygart
USADA
1330 Quail Lake Loop, Suite 260
Colorado Springs, CO 80906

Re: **USADA v. Floyd Landis**
AAA Case No. 30 190 00847 06

Dear Travis:

You have requested that I outline, to the greatest extent possible, the specifics of our request for an open public hearing pursuant to Paragraph 10(b) of the USADA Protocol. Initially, it is stressed that I believe that the fundamental question is whether or not the hearing will be open to the public, and that the details can be worked out between the parties and the arbitrators. In that regard, our request for a public hearing is not conditioned on acceptance of all of the specifics outlined in this letter; to the contrary, and as stated in my October 17, 2006 letter to the AAA, Landis requests that the hearing be as open as possible to both the public and the media, recognizing that there may be some space limitations depending on the interest level. To the extent possible at this early juncture, some of the specifics of our request, as well as specific responses to questions raised by you in your October 17 and 19 correspondence, are addressed below.

1. LANDIS REQUESTS THAT TELEVISION CAMERAS BE ALLOWED TO RECORD AND TRANSMIT THE HEARING

Without knowing at present whether there will be any interest, Landis requests that television cameras be permitted in the hearing room, for possible usage in both television (international and domestic) and / or Web based media. We

Travis Tygart
October 23, 2006
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have spoken to several news outlets including CNN, Court TV and various networks regarding the logistics of such a request. They have all generally stated that in a large auditorium, a single pool camera - or even a limited number of network cameras - would be unobtrusive and would not interfere with the arbitration sessions (with wireless microphones and zoom lenses, there is no need to be close to the hearing itself). As to some of the specifics of the set-up and possible intrusion on scheduling, I would propose the following (much of which is taken from the media guidelines attached to my October 17 letter to the AAA):

1. You questioned whether television will lengthen the hearing or change the time schedule. It should not; the arbitration panel can ensure this just the same as any trial judge.
2. Specific proposal regarding equipment and personnel:
 - a. Maximum of two television cameras, with one operator per camera, and one still photographer will be permitted in the hearing room. The Chair of the Panel, or designee, shall identify the location in the hearing room for the camera equipment and operators.
 - b. Equipment shall not produce distracting sound or light. Signal lights or devices to show when equipment is operating shall not be visible. Motorized drives, moving lights, flash attachments, or sudden light changes shall not be used. Still cameras that do not operate quietly will not be used at any time when hearing is in session.
 - c. Except as otherwise approved by the Chair of the Panel or designee, existing hearing room sound and light systems shall be used without modification. Audio pickup for all media purposes shall be accomplished from existing audio systems present in the court facility, or from a television camera's built-in microphone. If no technically suitable audio system exists in the hearing room facility, microphones and related wiring essential for media purposes shall be unobtrusive and shall be located in places designated in advance by the Chair of the Panel or designee.
 - d. All equipment must be set up prior to the opening of the arbitration session and may not be removed until after the conclusion of the

Travis Tygart
October 23, 2006
Page 3

sessions, or during a hearing recess. Camera operators shall wear suitable attire in the hearing room.

e. Media personnel shall also adhere to the direction of the Chair of the Panel or designee in such matters as security, parking, noise avoidance, and other related issues.

f. Media personnel may not interview participants in the hearing room until the conclusion of the session, and the arbitrators have left the bench. The Panel may, where space is available, make available a separate room where news reporters and photographers may conduct their business with the consent of persons willing to participate in such interviews.

g. Not more than one audio system for radio broadcast purposes shall be permitted. Audio pickup for all media purposes other than tape recording shall be accomplished from existing audio systems present in the hearing room. If no technically suitable audio system exists in the hearing room, microphones and related wiring essential for media purposes shall be unobtrusive and shall be located in places designated in advance of any proceeding by the Chair of the Panel.

3. Specific proposal regarding news media pooling:

a. Camera coverage will be permitted by any person or entity regularly engaged in the gathering and dissemination of news. If coverage is sought by more than one person or entity, a pool system must be used.

b. It will be the responsibility of the news media to agree upon a pooling arrangement for their respective news medium. Such pooling arrangements shall include the designation of pool operators, procedures for cost sharing, access to and dissemination of material (including where appropriate satellite coordinates for video footage of arbitration session), and selection of a pool representative if appropriate.

c. The AAA and/or the Arbitration Panel may not be called upon to mediate or resolve any dispute as to such arrangements. The Chair of the Panel shall be notified of any pooling arrangements at least 24 hours prior to the arbitration proceeding.

Travis Tygart
October 23, 2006
Page 4

4. In the event that no media interests desire to arrange for television cameras to be present during the hearing, Landis will request the right to hire a single video camera to videotape the arbitration proceeding, consistent with the restrictions expressed above.

2. DISTRIBUTION OF SEATS

As stated in my October 17 letter, the number of available seats range from approximately 160 to 400, depending on the hearing room utilized at Pepperdine. Landis proposes that the seats be distributed as follows: 20% of available seats to be given to Pepperdine University School of Law to distribute to further their educational purposes; 40% of available seats to be given to USADA to distribute as it sees fit; and 40% of available seats to be given to Landis to distribute as he sees fit. Any print or other media not manning or assisting with the video/radio coverage described in section 1 above would require credentials from one of the parties or from Pepperdine to gain admittance.

I would envision that we would simply provide credentials to Pepperdine and the parties, distributed as stated above or as otherwise agreed. Those individuals with appropriate credentials would be granted admittance to the campus and the hearing room by Pepperdine security, while others would be denied admittance.

3. PUBLIC DISSEMINATION OF DOCUMENTS

It is proposed that each party shall have the right to disseminate any correspondence, briefs, exhibits or discovery in any manner that the party sees fit, subject to any limitations that may be placed by the Arbitration Panel. Each party shall be responsible for the public dissemination of the documents that the party chooses to disseminate.

4. AAA RULES REGARDING CONFIDENTIALITY OF PROCEEDINGS

As stated in my October 17 letter, the confidentiality issue is adequately addressed by Rule R-25 of the supplemental rules, which provides in pertinent part as follows: "The arbitrator and the AAA shall maintain the privacy of the

Travis Tygart
October 23, 2006
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hearings unless the law provides to the contrary or the hearing is open to the public as prescribed in R-4."

5. AAA RULES PRECLUDING PUBLIC COMMENT BY USADA

You have asked whether Mr. Landis is willing to waive the public comment prohibition contained in Article 12 of the USADA Protocol, to allow USADA to publicly comment during all phases of the proceeding. Landis is willing to waive that public comment prohibition, with that prohibition being lifted after USADA produces all documents requested in my October 16, 2006 correspondence addressed to USADA and the UCI. The Article 12 prohibition is specifically not waived as to any information or documentation known by USADA but not provided to Landis by USADA.

I am sure that there are additional issues and details of the proposal that will need to be considered at a later date. However, I believe that this answers all of the questions that you have raised. If there are additional questions that you have regarding our request for an open public hearing, please advise.

In the meantime, should you have any questions, please do not hesitate to contact me.

Very truly yours,


Howard L. Jacobs

cc: Floyd Landis (via e-mail)

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Exhibit D

ANTI-DOPING RULES OF THE UCI

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PART 14 ANTI-DOPING RULES OF THE UCI

(new rules entered into force on 13 August 2004)

INTRODUCTION

Pursuant to amendments adopted by the 115th session of the International Olympic Committee in July 2003, the Olympic Charter stipulates that in order to be recognized by the IOC, an international Federation must adopt and implement the World Anti-Doping Code (Rule 29).

To be eligible for a participation in the Olympic Games, a competitor, coach, trainer or official must respect and comply in all aspects with the World Anti-Doping Code (Rule 45).

As a consequence, at its meeting of 22-23 July 2004, the UCI Management Committee decided to accept the World Anti-Doping Code and to incorporate the Code in UCI's Regulations, as is done in these Anti-Doping Rules.

Terms in italics are defined in appendix 1.

F0107

ANTI-DOPING EXAMINATION REGULATIONS

If such *Rider* is *disqualified* from other *Competitions* of the same *Event* under articles 257.2a or 3 or article 258, any team, whether composed differently or not, of which such *Rider* was a member, shall be *disqualified* from the same *Competitions* as the *Rider*.

- 279.** In the case of a team stage during a stage race, the team shall be relegated to the last place on the stage with its real time and with a 10 (ten) minutes penalty on the general classification of teams. If more than one *Rider* on the team is found to have committed an anti-doping violation during the same team stage, the team is *disqualified* from the stage race.

XI

Chapter APPEAL TO THE CAS

- 280.** The following decisions may be appealed to the Court of Arbitration for Sport:
- a) the decisions of the hearing body of the National Federation under article 242;
 - b) a decision that a *Rider* shall be banned from participating in *Events* under article 217 if the ban is for more than 1 (one) month;
 - c) the decisions concerning Therapeutic Use Exemptions as specified under articles 67, 68, 70 and 72.
 - d) the final decision at the level of the National Federation regarding a *License-Holder* that was referred to his National Federation according to article 183.

No other form of appeal shall be permitted.

- 281.** In cases under article 280 a), the following parties shall have the right to appeal to the CAS:
- a) the *License-Holder* who is the subject of the decision being appealed;
 - b) the other party to the case in which the decision was rendered;
 - c) the UCI;
 - d) the International Olympic Committee or International Paralympic Committee, where the decision may have an effect in relation to the Olympic Games or Paralympic Games, including decisions affecting eligibility for the Olympic Games or Paralympic Games;
 - e) WADA.

- 282.** The appeal of the UCI shall be made against the *License-Holder* and against the National Federation that made the contested decision and/or the body that acted on his behalf. The National Federation or body concerned shall be liable for costs if the hearing body which made the decision against which the appeal has been made has applied the regulations incorrectly.

- 283.** An appeal by the *License-Holder* shall be made against his National Federation.

The National Federation must immediately send the UCI a copy of the statement of appeal and of any submissions or briefs made before the CAS.

The UCI shall have the right to participate in the proceedings before the CAS and demand that a sanction is imposed or increased.

- 284.** The statement of appeal by the *License-Holder* or the other party to the case must be submitted to the CAS within 1 (one) month of his receiving the full decision as specified in article 247. Failure to respect this time limit shall result in the appeal being disbarred.
- 285.** The statement of appeal by the UCI, the International Olympic Committee, the International Paralympic Committee or WADA must be submitted to the CAS within 1 (one) month of receipt of the full case file from the hearing body of the National Federation. Failure to respect this time limit shall result in the appeal being disbarred. Should the appellant not request the file within 15 (fifteen) days of receiving the full decision as specified in article 247, the time limit for appeals shall be 1 (one) month from the reception of that decision.
- 286.** If the respondent makes a counter-appeal, the appellant has the right to respond within 1 (one) month of receiving the respondent's reply, except where extended by the CAS. If the respondent is the *License-Holder*, he shall have the right to submit an additional statement within 15 (fifteen) days of receiving the appellant's reply, unless the time limit is extended by the CAS.
- 287.** In cases under article 280 b), the *Rider* only shall have the right to appeal to the CAS.
- The appeal shall be made against the UCI.
- The time to file the appeal to the CAS shall be 8 (eight) days from receipt of the decision by the *Rider* or his National Federation or his club or team.
- 288.** An appeal to the CAS shall not suspend the execution of the contested decision, without prejudice to the right to apply to the CAS for it to be suspended.
- 289.** The CAS shall have full power to review the facts and the law. The CAS may increase the sanctions that were imposed on the appellant in the contested decision.
- 290.** The CAS shall decide the dispute according to these Anti-Doping Rules and the rules of law chosen by the parties or, in the absence of such a choice, according to Swiss law.
- 291.** The decision of the CAS shall be final and binding on the parties to the case and to all *License-Holders* and National Federations. It shall not be subject to appeal.

XII

Chapter CONFIDENTIALITY AND PUBLIC DISCLOSURE

Duty of confidentiality

- 292.** Persons carrying out a task in *Doping Control* are required to observe strict confidentiality regarding any information concerning individual cases which is not required to be reported under these Anti-Doping Rules.

Exhibit E

GIBSON, DUNN & CRUTCHER LLP

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**VIA E-MAIL, FACSIMILE
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1330 Quail Lake Loop, Suite 260
Colorado Springs, CO 80906-4651

Re: *USADA v. Floyd Landis, AAA Case No. 30 190 00847 06*
Second Request for Production of Documents

Dear Messrs. Tygart and Young:

Per our telephone conversation on January 18, 2007, this correspondence constitutes Floyd Landis' request for production of documents, which incorporates previously requested documents called for in Mr. Landis' First Request for Production of Documents.

To date, Mr. Landis has received no other document discovery from the United States Doping Agency ("USADA") other than those laboratory documents bates numbered USADA 0001 to 0370 contained within the document set referred to as the "lab package." Review of USADA 0001 to 0370 have revealed numerous discrepancies, inconsistencies and errors in laboratory procedure, handling of samples and interpretation that require an analysis that cannot be accomplished absent further document discovery. To accomplish that analysis, on October 16, 2006, Mr. Landis served upon USADA and the Union Cyclist International ("UCI")

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Richard R. Young

Travis T. Tygart

January 22, 2007

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his First Request for Production of Documents ("First Request"). No documents were produced by USADA or the UCI in connection with that request. In an attempt to resolve these outstanding discovery issues, Mr. Landis now propounds the Second Request for Production of Documents, which incorporates and supersedes the previous and unanswered First Request.

As we discussed on our last call, this Second Request for Production of Documents does not yet include other written discovery, including interrogatories or requests for admission, nor does it detail the witness depositions, third-party or otherwise, that may need to be conducted. Per our discussion, obtaining these documents is a first step to conduct this discovery process in an orderly manner, and we look forward to setting a discovery cut-off with you in conjunction with the overall scheduling of the handling of this case.

II. SECOND REQUEST FOR PRODUCTION OF DOCUMENTS

A. DEFINITIONS AND INSTRUCTIONS

As used herein, the following terms shall have the following meanings:

1. The terms "YOU," "YOUR" and "USADA" mean the United States Anti-Doping Agency, its representatives and agents and witnesses, as the case may be, and any other persons representing and/or acting on its behalf or at its direction.
2. The term "CONCERNING" and the term "RELATING TO" shall mean the same thing, that is referring to, alluding to, responding to, relating to, connected with, commenting on, in respect of, about, regarding, discussing, showing, describing, mentioning, analyzing, reflecting, evidencing, supporting, and/or constituting.
3. The terms "DOCUMENTS" or "DOCUMENTS" mean any handwritten, typed, printed, pictorial, or graphic matter, however produced or reproduced, of every kind and description, and any other tangible thing, including without limitation, any "writings," "originals," and "duplicates," as defined in California Evidence Code Sections 250, 255, and 260, and any facsimiles, electronic records, film records or productions. If a writing has been prepared in more than one copy and any copy was not - or is no longer - identical to the original (whether by reason of notations, modifications, alterations, or marginal notes, including those made on "Post-Its" or their equivalent), each non-identical copy must be included. For example, the term "DOCUMENT" includes, without limitation: records, correspondence, telegrams, notes, electronic mail, facsimiles, calendar pages, check lists, files, file folders, sound recordings, memoranda, reports, written analyses, contracts and their supplements, amendments, and modifications, licenses, agreements, illustrations, diagrams, instructions, photographs, films, videotapes, electronic or magnetic tapes, computer printouts, reports, books, job or transaction files, records of telephone conversations (including, without limitation, telephone bills and notes of such conversations), meetings or minutes of any meetings, drafts of the foregoing or anything

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January 22, 2007

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similar to any of the foregoing, however denominated. "DOCUMENT" includes without limitation any electronically stored documents such as electronic mail or other documents stored on a computer system, backed-up voice-mail, any videotape or audiotape. If any DOCUMENT exists only in electronic form, any printout or other output readable by sight, shown to reflect the data accurately, must be produced. All attachments or enclosures which accompany requested DOCUMENTS shall be produced in response to this Demand. Any DOCUMENT which relates only in part to the DOCUMENT categories set forth below shall be produced.

4. The term "GC-MS" shall refer to the testing mechanism known as Gas Chromatography Mass Spectrometry, which is the mechanism used to determine the ratio of testosterone to epitestosterone in screening tests for exogenous testosterone.

5. The term "IRMS" shall refer interchangeably to Isotope Ratio Mass Spectrometry and Gas Chromatography/Combustion IRMS ("GC-C-IRMS") and Carbon Isotope Testing ("CIR") which is the mechanism used to determine the ratio of carbon 12 (12c) to carbon 13 (13c) during the course of confirmation tests for exogenous testosterone.

6. LNDD shall refer to the Laboratoire National de Depistage du Dopage ("LNDD") located in Châtenay-Malabry, France that has been designated by the Agence Francaise de Lutte Contre le Dopage ("AFLD") to serve as the French national laboratory for drug control. The AFLD is the French Anti-Doping Agency.

7. The term "STANDARD OPERATING PROCEDURE(S)" ("SOPs") shall refer to the controlled copies (or uncontrolled copies of no such controlled copies exists or if such uncontrolled copies differ in any way from the controlled copies) of any and all procedures used by LNDD relating to any and all aspects of its testing, including without limitation, the receiving, handling, storing, processing and analysis of all samples as well as the maintenance, calibration and operation of any and all instrumentation. Additionally, it shall refer to any (controlled or uncontrolled) "bench" versions of such procedures.

8. In producing DOCUMENTS and other materials, YOU are requested to furnish all DOCUMENTS and materials in YOUR possession, custody or control, regardless of whether such DOCUMENTS or materials are possessed directly by YOU, YOUR attorneys, or YOUR agents, employers, employees, representatives or investigators.

B. GENERAL

1. All ELECTRONIC DATA FILES and other DOCUMENTS for all test results conducted during the 2006 Tour de France by LNDD of specimens provided by Floyd Landis.

2. All DOCUMENTS that CONCERN any testing of urine or blood samples provided by Floyd Landis during the 2006 Tour de France by LNDD.

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3. All DOCUMENTS that CONCERN any testing of urine or blood samples provided by Floyd Landis during the period beginning January 1, 2001 to the present.
4. All SOPs related to the analysis of any urine or blood sample provided by Floyd Landis during the 2006 Tour de France, including IRMS and GC-MS.
5. All calibration data for GC-MS and IRMS equipment used by LNDD used to test any sample provided by Floyd during the 2006 Tour de France.
6. All documents from WADA to LNDD that reference the validation, testing, use or standards of GC-MS or IRMS, including but not limited to:
 - a. All DOCUMENTS that evidence, reference or relate to any surveys conducted by WADA or by the World Association of Anti-Doping Scientists;
 - b. All DOCUMENTS that relate to the accuracy and validity of the IRMS testing method.
7. All documents from USADA to LNDD that reference validation, testing, use or standards of GC-MS or IRMS.
8. All DOCUMENTS, from any source, that relate to the use or approval of LNDD's current criteria for determining an Adverse Analytic Finding ("AAF") using GC-MS or IRMS.
9. All DOCUMENTS, from any source, that relate to any changes, adjustments or alterations made to the criteria for determining an Adverse Analytic Finding ("AAF") using GC-MS or IRMS.
10. All DOCUMENTS related to the blank urine samples used in connection with the analysis of any specimen taken from Floyd Landis during the 2006 Tour de France.
11. All DOCUMENTS related to the laboratory test results associated with (1) sample number 995475, (2) sample number 995476 and (3) sample number 994474.
12. All DOCUMENTS related to the certification by WADA of LNDD.
13. All DOCUMENTS related to any change of protocol or procedure put in place in response to any finding or conclusion rendered by any doping court in conjunction with Inigio Landaluze.
14. All DOCUMENTS related to the identification of LNDD personnel and their roles at LNDD.

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15. All DOCUMENTS related to claims that LNDD has (1) failed to follow its own laboratory procedures or (2) generated inaccurate test results or conclusions and (3) the resolution of any of the foregoing claims.

16. All DOCUMENTS discussing the possibility of testing specimens associated with Floyd Landis aside from those taken after completion of Stage 17 of the 2006 Tour de France.

17. All DOCUMENTS related to a critique of publicly available documents authored by Dr. Arnie Baker.

18. All DOCUMENTS between and among LNDD and WADA and/or any sports federation regarding:

- a. Errors in documentation packages;
- b. Requests to destroy or actual destruction of laboratory reports or any portion of laboratory reports;
- c. Errors related to contamination or degradation of blank urine samples;

19. All DOCUMENTS that demonstrate LNDD's compliance with WADA International Standard for Laboratories ("ISL") Version 3.0, section 5.4.4.4.1.1 regarding access to computer terminals, computers or other operating equipment.

20. All DOCUMENTS that demonstrate LNDD's compliance with WADA International Standard for Laboratories ("ISL") Version 3.0, section 5.4.4.4.1.3 regarding documentation of changes to results.

21. All DOCUMENTS that demonstrate LNDD's compliance with WADA International Standard for Laboratories ("ISL") Version 3.0, section 5.4.4.4.1.4 regarding recording of reporting processes and all changes to reported data.

22. All DOCUMENTS that evidence LNDD's compliance with ISO 17025, section 4.13.1.4 regarding procedures to protect and back up records electronically and to prevent unauthorized access to or amendment of these records.

23. All DOCUMENTS sent from LNDD to the Conseil de Prevention et de Lutte Contre le Dopage concerning sample 995474.

C. DOCUMENTS RELATED TO IRMS AND GC-MS

1. All DOCUMENTS that relate to the frequency that LNDD has performed IRMS and the results of those tests.

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2. All DOCUMENTS that relate to the frequency that other WADA-approved labs have performed IRMS and the results of those tests.
3. All DOCUMENTS that relate to the standards by which LNDD or other WADA-approved labs have determined the standards by which testosterone or its metabolites are determined to be exogenous using IRMS.
4. All DOCUMENTS that relate to LNDD's purchase and use of IRMS equipment and software and software updates and GC-MS equipment and software and software updates, including but not limited to:
 - a. DOCUMENTS related to calibration standards and certificates (including those documents related to the type and grade of purity of the reference gas used);
 - b. DOCUMENTS related to the precise version of the IRMS software used by LNDD, and;
 - c. DOCUMENTS related to the manufacturer's recommended procedures for the use of the IRMS test, including its operating pressure;
5. All DOCUMENTS that relate to the calculation of the .8 measure of uncertainty value for IRMS delta calculations.
6. All DOCUMENTS, from any source, that relate to the criteria used by other WADA-accredited laboratories aside from LNDD for determining an AAF for testosterone or testosterone precursors based on a Testosterone/Epitestosterone ratio analysis or an IRMS test result.
7. All DOCUMENTS that relate to the selection of metabolites used by LNDD for the IRMS test.
8. All DOCUMENTS that relate to the expected delta values for androsterone, etiocholanolone, 5 alpha Androstenediol and 5 beta Androstenediol for negative control urine used the IRMS test.
9. All DOCUMENTS that relate to the linearity tests conducted by LNDD on the Isoprime used in the IRMS test that (1) analyzed any specimen taken from Floyd Landis during the 2006 Tour de France and (2) analyzed any specimen immediately prior to the testing of sample 995474.
10. All DOCUMENTS that relate to the creation and accuracy of the background subtraction method used by LNDD in the IRMS test.

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Richard R. Young

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11. All DOCUMENTS that relate to the "craig correction" in connection with the IRMS test.
12. All DOCUMENTS that relate to the calculation and application of the correction factor(s) applied to the IRMS test for any sample tested by LNDD from Floyd Landis during the 2006 Tour de France.
13. All DOCUMENTS that relate to the identification of each of the peaks in the IRMS analysis for any sample tested by LNDD from Floyd Landis during the 2006 Tour de France.
14. All DOCUMENTS that relate to background scans for the IRMS machine that would have occurred contemporaneous with the testing of any specimen taken from Floyd Landis during the 2006 Tour de France.
15. All DOCUMENTS that relate to the calculation of the 20% measure of uncertainty for testosterone calculation and 30% measure of uncertainty for epitestosterone calculation.
16. All DOCUMENTS that relate to the calculation of the 30% measure of uncertainty for the ratio of testosterone to epitestosterone using the GC-MS test.
17. All DOCUMENTS related to the reference range for IRMS (as shown on USADA 352), including those documents related to (1) the sample size; (2) the applicable highs and lows; (3) the correlation coefficient between Adiol and PDiol and (4) the subtraction values.
18. A clear and legible copy of USADA 0105.
19. All DOCUMENTS related to the derivitization marker with mass 361.30.

We request that these documents be made available for reproduction by February 8, 2007. We agree to enter into a protective order that will alleviate any concerns of publication of those documents outside of this litigation and for any non-litigation related purpose.

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Richard R. Young

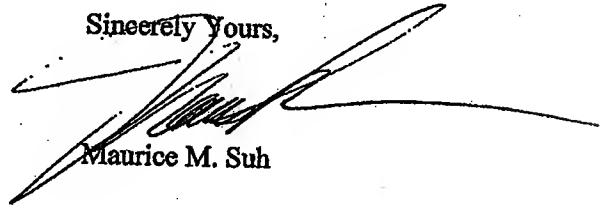
Travis T. Tygart

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Please do not hesitate to contact me with any questions you may have.

Sincerely Yours,

A handwritten signature in black ink, appearing to read "Maurice M. Suh", is written over the typed name. The signature is stylized with a large, sweeping initial "M" and a long horizontal stroke extending to the right.

Maurice M. Suh

MMS/td

100152267_1.DOC

Exhibit F

LAW OFFICES OF HOWARD L. JACOBS

October 16, 2006

VIA FACSIMILE 719-785-2001 AND REGULAR MAIL

Travis Tygart
USADA
1330 Quail Lake Loop, Suite 260
Colorado Springs, CO 80906

VIA FACSIMILE 011 41 24 468 58 12

Delphine Lautenschlager
UCI
CH 1860 Aigle
Switzerland

Re: USADA v. Floyd Landis
AAA Case No. 30 190 00847 06

Dear Mr. Tygart and Ms. Lautenschlager:

In connection with the above-referenced matter, Floyd Landis submits herewith a First Request or Production of Documents; and a First Set of Interrogatories. For your convenience, and to avoid later objection regarding the justification for the necessity of each request, I have coded each request/interrogatory in superscript. The corresponding justifications are as follows:

**CODE FOR JUSTIFICATION OF DOCUMENT / INTERROGATORY
NECESSITY**

- ¹ We question the competency of LNDD in conducting the tests at issue in this case. The documents / information requested are essential to our analysis of the laboratory's competence in this regard.
- ² We have questions regarding the ambiguity of the test methods and positivity criteria at issue in this case. The documents / information requested are essential to our analysis of these ambiguities created by WADA and/or LNDD.
- ³ It is our contention that LNDD did not follow proper testing procedures. The documents / information requested are necessary to our analysis of this issue and the preparation of our defense.
- ⁴ It is our contention that LNDD did not properly interpret the test results in accordance with applicable SOPs and positivity criteria. The documents / information requested are necessary to our analysis of this issue and the preparation of our defense.
- ⁵ The documents provided to date raise questions regarding accuracy that cannot be answered without the requested documents / information.
- ⁶ It is our contention that other test results will corroborate other evidence that the test results related to sample 995474 cannot be accurate. The documents / information requested are necessary to our analysis of this issue and the preparation of our defense.

The corresponding requests and interrogatories are found below.

I. FIRST REQUEST FOR PRODUCTION OF DOCUMENTS

A. DOCUMENTS RELATED TO IRMS ANALYSIS

1. Any Standard Operating Procedure or SOP used by LNDD related to the processing of sample 995474 by GC-C-IRMS.^{1, 2, 3, 4, 5}

2. All documents that evidence, reference or relate to the frequency that LNDD has performed the carbon isotope ratio test for testosterone using any GC-C-IRMS method.¹
3. All documents that evidence, reference or relate to the frequency that WADA-accredited laboratories other than LNDD have performed the carbon isotope ratio test for testosterone using any GC-C-IRMS method.¹
4. All calibration data for GC, MS and IRMS equipment used by LNDD in connection with sample 995474.^{1, 3, 4, 5}
5. All documents that evidence, reference or relate to LNDD's purchase of IRMS equipment and software, and any maintenance logs or updates.^{3, 4}
6. All documents that evidence, reference or relate to the first date that LNDD used the IRMS equipment and software referenced in request number 5 above.^{3, 4}
7. All documents that evidence, reference or relate to LNDD's determination of a measure of uncertainty of 0.8 ‰ for IRMS delta ‰ calculations.^{1, 2, 4, 5}
8. All documents that evidence, reference or relate to the validation of method by WADA of the carbon isotope ratio test for testosterone using any GC-C-IRMS method.^{1, 2, 3, 4}
9. All documents that evidence, reference or relate to approval of LNDD's criteria for determining an Adverse Analytical Finding ("AAF") using the carbon isotope ratio test for testosterone using any GC-C-IRMS method.^{1, 2, 3, 4}
10. All documents that evidence, reference or relate to approval of WADA's criteria for determining an AAF using the carbon isotope ratio test for testosterone using any GC-C-IRMS method.^{1, 2, 3, 4}
11. All documents that evidence, reference or relate to the current IRMS criteria used by LNDD for determining an Adverse Analytical Finding.^{1, 2, 3, 4}
12. All documents that evidence, reference or relate to prior IRMS criteria used by LNDD for determining an Adverse Analytical Finding, if different from the previous request.^{1, 2, 3, 4}
13. All documents that evidence, reference or relate to the current IRMS criteria used by WADA-accredited laboratories other than LNDD for determining an Adverse Analytical Finding.^{1, 2, 3, 4}

14. All documents that evidence, reference or relate to prior IRMS criteria used by WADA-accredited laboratories other than LNDD for determining an Adverse Analytical Finding, if different from the previous request. ^{1, 2, 3, 4}
15. All documents that evidence, reference or relate to the selection of metabolites used by LNDD for the carbon isotope ratio test for testosterone using any GC-C-IRMS method. ^{1, 2, 3, 4}
16. All documents that evidence, reference or relate to expected delta ‰ values for androsterone for negative control urine used in any GC-C-IRMS method. ^{1, 2, 3, 4, 5}
17. All documents that evidence, reference or relate to expected delta ‰ values for etiocholanolone for negative control urine used in any GC-C-IRMS method. ^{1, 2, 3, 4, 5}
18. All documents that evidence, reference or relate to expected delta values for 5 α -Androstanediol for negative control urine used in any GC-C-IRMS method. ^{1, 2, 3, 4, 5}
19. All documents that evidence, reference or relate to expected delta ‰ values for 5 β -Androstanediol for negative control urine used in any GC-C-IRMS method. ^{1, 2, 3, 4, 5}
20. All documents that evidence, reference or relate to any linearity tests that have been carried out by LNDD on the Isoprime used in any GC-C-IRMS method. ^{1, 3, 4, 5}
21. All documents that evidence, reference or relate to the creation and accuracy of the background subtraction method used by LNDD in connection with any GC-C-IRMS method. ^{1, 3, 4, 5}
22. All documents that evidence, reference or relate to LNDD's usage or non-usage of the "craig" correction in connection with any GC-C-IRMS method. ^{1, 3, 4, 5}
23. All documents that evidence, reference or relate to the exact software used by LNDD in connection with any GC-C-IRMS method, including documents related to any software updates. ^{3, 4}
24. All documents that evidence, reference or relate to the standards used to calibrate the instrument used by LNDD in connection with any GC-C-IRMS method, including any and all certifications and/or approvals of such calibration standard(s). ^{3, 4, 5}
25. All documents that identify the manufacturer's recommended operating pressure of any GC-C-IRMS system. ^{3, 4, 5}

26. All calibration certificates for all standards analyzed by LNDD connection with any GC-C-IRMS method.^{3, 4, 5}
27. All documents that evidence, reference or relate to any surveys conducted by WADA or by the World Association of Anti-Doping Scientists (hereinafter "WAADS") regarding samples analyzed that showed T/E ratios above 4 that were also analyzed by any GC-C-IRMS method.²
28. All documents that evidence, reference or relate to any statistics generated by WADA or WAADS regarding how frequently samples analyzed that showed T/E ratios above 4 that were also analyzed by any GC-C-IRMS method were actually confirmed by said GC-C-IRMS method.²
29. All documents that evidence, reference or relate to reservations that have been expressed by WADA or WAADS regarding the validity of the IRMS method.²

B. DOCUMENTS RELATED TO T/E ANALYSIS

30. Any Standard Operating Procedure or SOP used by LNDD related to the processing of sample 995474 by GC/MS.^{1, 2, 3, 4, 5}
31. Any Standard Operating Procedure or SOP used by LNDD related to the processing of sample 995474 by LC/MS.^{1, 2, 3, 4, 5}
32. All documents that evidence, reference or relate to the determination by LNDD of a 20% measure of uncertainty for testosterone concentration.^{1, 2, 3, 4}
33. All documents that evidence, reference or relate to the determination by LNDD of a 30% measure of uncertainty for epitestosterone concentration.^{1, 2, 3, 4}
34. All documents that evidence, reference or relate to the determination by LNDD of 30% measure of uncertainty for T/E ratio.^{1, 2, 3, 4}

C. DOCUMENTS SPECIFICALLY RELATED TO URINE SAMPLE 995474

35. All electronic data files for all test results, "A" and "B" sample 995474.^{1, 3, 4, 5}
36. For any GC-C-IRMS method, all documents that evidence, reference or relate to the calculation of and reasoning for correction factors applied to^{1, 3, 4, 5}.
 - a. Reference samples vs. sample 995474
 - b. Different metabolites.
37. All documents that evidence, reference or relate to the identification of each of the peaks in the IRMS analysis of sample 995474.^{1, 3, 4, 5}
38. All raw data for all IRMS testing performed on sample 995474 and related controls.^{1, 3, 4, 5}
39. All documents which show the non-corrected results of sample 995474 in connection with the GC-C-IRMS method (i.e., results prior to application of the background subtraction method).^{1, 3, 4, 5}
40. All documents that evidence, reference or relate to LNDD's determination of the exact corrections used to calculate corrected delta ‰ figures for sample 995474 and the blank urines used in that GC-C-IRMS analysis.^{1, 3, 4, 5}
41. All documents that evidence, reference or relate to how the IRMS calibration gas has been calibrated by LNDD in connection with sample 995474, including but not limited to details regarding the last date and results of calibration, and the type and grade of purity of the reference gas used.^{1, 3, 4, 5}
42. All documents that evidence, reference or relate to the gas purification systems used by LNDD between the gas bottle and the reference gas box of the IRMS in connection with sample 995474.^{1, 3, 4, 5}
43. All mass spectral data necessary to identify all peaks within the MSD TIC analysis in connection with sample 995474.^{1, 3, 4, 5}
44. All data that has been used to identify the peaks in the IRMS analysis in connection with sample 995474, including any relevant isotope standards not provided within the laboratory documentation provided to date.^{1, 3, 4, 5}

45. All documents which identify the precise time at which each peak on the MSD TIC scan appears in connection with sample 995474.^{3, 5}
46. All documents which explain why a number of the isotope results were printed on the day following the analysis in connection with sample 995474.^{1, 3, 4, 5}
47. All printouts of isotope results which pre-date or post-date those provided within the laboratory documentation package in connection with sample 995474.^{1, 3, 4, 5}
48. All documents that evidence, reference or relate to the intra laboratory chain of custody of sample 995474, along with the relevant entries documenting why the sample results were printed the day following analysis.^{1, 3}
49. All documents that evidence, reference or relate to any post acquisition corrections of data that have been performed by LNDD in relation to sample 995474 other than those shown in the laboratory documentation package.^{1, 3, 4, 5}
50. All FID traces for all analyses of sample 995474 and related controls.^{3, 4}
51. All documents that evidence, reference or relate to whether or not all isotope samples in connection with sample 995474 were run at an operating pressure of 5.2×10^{-6} mb.^{1, 3, 4}
52. All linearity tests performed in connection with any analysis of sample 995474.^{3, 4}
53. Electronic data files of the most recent linearity test(s) conducted by LNDD that pre-date the analysis of sample 995474.^{3, 4}
54. All documents that evidence, reference or relate to how the correction was performed on sample 995474 and related controls; and any and all data necessary to re-calculate the corrections from the raw data.^{1, 3, 4, 5}
55. All contemporary background scans for the Isotope machine (contemporary to the analysis of sample 995474), such that the peaks heights for water and N₂ can be observed.^{3, 4}
56. All contemporary background scans for the Isotope machine (contemporary to the analysis of sample 995474) that specify the trap current of the scan.^{3, 4}

57. All documents that evidence, reference or relate to the fact that the blank urine used in connection with the analysis of sample 995474 was in fact blank.^{3, 4}
58. All data from water blanks run within the batch analysis of sample 995474.^{3, 4}
59. If no water samples were analyzed in connection with the analysis of sample 995474, all documents that evidence, reference or relate to the contention that no cross sample contamination or general sample contamination has occurred.^{3, 4}
60. Electronic copies of all standards run during the analysis along with all FID traces.^{3, 4}
61. Any English translation that has been prepared of any of the documents related to the testing of sample 995474.^{1, 2, 3, 4, 5}

D. DOCUMENTS RELATED TO OTHER URINE AND BLOOD SAMPLES

62. All documents that evidence, reference or relate to each urine and/or blood sample provided by Floyd Landis during 2006 Tour de France including identification of all test results performed and copies of all test results.⁶
63. All documents that evidence, reference or relate to each other sample provided by Floyd Landis from January 1, 2001 through the present including identification of all test results performed and copies of all test results (including all Health test results) including calculation of Testosterone and Epitestosterone.⁶
64. All documents that evidence, reference or relate to whether or not USADA and/or UCI shared information, either intentionally or inadvertently, with LNDD or any other WADA accredited laboratory that may have processed a sample provided by Floyd Landis that would allow such WADA accredited laboratory to link Floyd Landis with any sample provided by Floyd Landis.^{1, 3}

II. INTERROGATORIES:

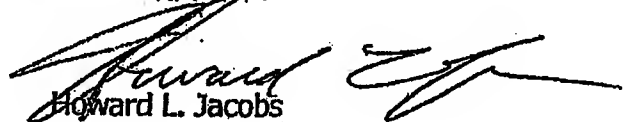
1. The GC conditions and column type for the Isotope system have been provided apart from the GC flow rates; please provide the flow rates and the same information for the MSD.^{3, 4, 5}
2. Please specify how the IRMS calibration gas has been calibrated by LNDD, including but not limited to details regarding the last date and results of calibration, and the type and grade of purity of the reference gas used.^{3, 4}
3. Please provide details regarding gas purification systems used by LNDD between the gas bottle and the reference gas box of the IRMS.^{1, 3, 4}
4. Please identify the precise time at which each peak on the MSD TIC scan appears.^{1, 3, 4}
5. Please explain why a number of the Isotope results were printed on the day following the analysis.^{1, 3}
6. Please confirm that no post acquisition corrections of the data have been performed by LNDD in relation to sample 995474 other than those shown in the laboratory documentation package.^{1, 3, 4, 5}
7. Please explain why LNDD used a background correction during the isotope analysis and provided the same data re-processed with the background subtraction removed.^{1, 3, 4, 5}
8. Please explain, with mathematical formulas, how LNDD performed and applied background subtraction to sample 995474 and related controls.^{1, 3, 4, 5}
9. Please confirm whether or not LNDD applied a Craig correction to sample 995474 and related controls.^{1, 3, 4, 5}
10. Please confirm whether or not all Isotope samples in connection with sample 995474 were run at an operating pressure of 5.2×10^{-6} mb; and also identify the manufacturer's recommended operating pressure of the system.^{1, 3, 4}
11. Please confirm whether the standard "Mix cal IRMS 003" is in fact VG mix.^{3, 4, 5}
12. Please specify the trap current of the IRMS during all background scans in connection with sample 995474.^{1, 3, 4, 5}
13. Between 200 and 800 seconds in the GC-C-IRMS analysis, there is a discernable lump in the GC trace of the "Mix cal Acetate"; please explain why this is present and what it represents.^{3, 4, 5}

Travis Tygart
Delphine Lautenschlager
October 16, 2006
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14. Please explain why no linearity tests have been provided with the laboratory document package for sample 995474.^{3, 4, 5}
15. Please confirm that USADA/UCI have not shared information, either intentionally or inadvertently, with LNDD or any other WADA accredited laboratory that may have processed a sample provided by Floyd Landis that would allow such WADA accredited laboratory to link Floyd Landis with any sample provided by Floyd Landis.^{1, 3}

Please provide these documents and interrogatory responses on or before November 6, 2006.

Very truly yours,



Howard L. Jacobs

cc: Floyd Landis (via e-mail)

5210 Lewis Road
Suite 5
Agoura Hills, CA 91301
USA

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FAX (818) 292-8736
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